

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18626 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- BHAGWANPUR District- Vaishali

SAURABH MISHRA Son of Arun Mishra Resident of Village - Imadpur,
P.S.- Bhagwanpur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bhagwanpur P.S. Case No. 162 of 2022 dated 05.07.2022, instituted for the offence punishable under Sections 467, 414 of the Indian Penal Code and 25(1-B)a, 26, 35 of the Arms Act.

3. The prosecution case in short, based on the written statement of the informant, Ram Mishra Pramhans, S.I. Cum SHO, Bhagwanpur, P.S. alleging there in that on 04.07.2022 at 11:00 pm on the way to Ratanpur alongwith other police forces on signal one four wheeler was stopped. While driver fled away, on search three persons were found sitting under the seat and one person was lying with tied and writhing, he told his name was Ranjit Kumar and further told that he has Pesticide



Shop at Yadav Chowk, Hajipur and after closing the shop, he was going to his house on his motorcycle and reached Chaurasiya Chowk, Hajipur. Then 7-8 persons from four wheeler and some persons from motor cycle came there and pushed him down and brought in the four wheeler and assaulted him and demanded Rs. 50 lakhs and threatened to kill, if not given. On the way the accused was talking on mobile with any person and they kept roaming and the police on mobile van saved his life. The rest three persons did not reply satisfactory. On search one loaded country made pistol was recovered from the pant of petitioner with one mobile. Accordingly, seizure list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the petitioner was returning from Muzaffarpur by bus and at about 2:00 A.M. on 05.07.2022 he reached Bhagwanpur and was going to his house. In the meantime the police stopped him and asked to become witness. But he refused to do so, due to such refusal police arrested him and implicated in the present case. It is further stated that nothing has been recovered from the conscious possession of the petitioner. He further submits that recovery of one loaded



country made pistol from the pant of the petitioner along with one mobile is false and fabricated, the seizure list was prepared without following the provisions of law. It is further stated that no statement was recorded of the kidnapped persons under Section 164 of the Cr.P.C. Lastly, it has been submitted that the petitioner is in custody since 06.07.2022 and has criminal antecedent of one case, charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Vaishali at Hajipur in Bhagwanpur P.S. Case No. 162 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation,



preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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